

ARKANSAS SUPREME COURT

No. CR 07-967

BOBBY MORGAN
Appellant

v.

STATE OF ARKANSAS
Appellee

Opinion Delivered March 13, 2008

PRO SE MOTION FOR
RECONSIDERATION OF DISMISSAL
OF APPEAL [CIRCUIT COURT OF
GREENE COUNTY, CR 2004-182,
HON. JOHN N. FOGLEMAN, JUDGE]

MOTION DENIED.

PER CURIAM

Appellant Bobby Morgan was convicted of rape and incest following a trial to the court and the trial court sentenced him to an aggregate term of 360 months' imprisonment. The Arkansas Court of Appeals affirmed the judgment. *Morgan v. State*, CACR 06-713 (Ark. App. Apr. 4, 2007). Appellant filed in the trial court a pro se petition for postconviction relief under Ark. R. Crim. P. 37.1, which was denied. Appellant lodged an appeal of that order in this court, and we dismissed the appeal. *Morgan v. State*, CR 07-967 (Ark. Dec. 13, 2007) (per curiam).

Appellant now brings this motion in which he asserts that we should reconsider our decision to dismiss the appeal and instruct the trial court to allow him to proceed with his Rule 37.1 petition. He asserts that his claims were meritorious and that the trial court, and presumably this court, denied him his constitutional right of access to the courts by refusing to consider his postconviction petition and grant him a hearing. He also vaguely asserts violation of due process and other constitutional rights, but without developing those arguments. This court does not research or develop arguments

for appellants. *Hester v. State*, 362 Ark. 373, 208 S.W.3d 747 (2005).

As to appellant's claim that he is denied access to the courts on his Rule 37 claims by our dismissal of the appeal, we find that argument is without merit. There is no constitutional right to a postconviction proceeding. *Robinson v. State*, 295 Ark. 693, 751 S.W.2d 335 (1988); *see also Engram v. State*, 360 Ark. 140, 200 S.W.3d 367 (2004). Where one is provided, due process requires that the proceeding be fundamentally fair. *Robinson*, 295 Ark. at 699, 751 S.W.2d at 339. In *Robinson*, this court determined that a requirement that a petition must meet certain threshold requirements was fundamentally fair.

Appellant asserts that pro se litigants are not held to the same standards as attorneys and that attorneys are not required to comply with our rules of procedure. He is mistaken. All litigants, including those who proceed pro se, must bear responsibility for conforming to the rules of procedure. *See Sullivan v. State*, 301 Ark. 352, 784 S.W.2d 155 (1990) (per curiam) (citing *Peterson v. State*, 289 Ark. 452, 711 S.W.2d 830 (1986) (per curiam)). *See also Tarry v. State*, 353 Ark. 158, 114 S.W.3d 161 (2003) (per curiam).

As we noted in our opinion dismissing the appeal, appellant did not comply with our rules of procedure in that he failed to file his petition within the required time. Moreover, the time limitations imposed in Ark. R. Crim. P. 37.2(c) are jurisdictional in nature, and the trial court would have erred to consider the merits of the petition or to have granted a hearing. *Womack v. State*, 368 Ark. 341, ___ S.W.3d ___ (2006) (per curiam). The petition did meet our threshold requirements of procedure and appellant has stated no basis for us to reconsider our previous decision.

Motion denied.